

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – Water Resources Department – Allegation of corruption against Sri M.Bullaiah, the then Deputy Executive Engineer, Special Minor Irrigation Division, Polavarm, West Godavari Dist.,(now Retd.)- Trapped on 23.03.2009- Registered the case by ACB – Disciplinary Proceedings initiated- Acquitted by the Spl. Judge for Trail of SPE&ACB Cases, Rajahmundry in CC No.46/2018,- Regularisation of suspension period from 23.03.2009 to 20.04.2010 as "ON Duty" - Orders –Issued.

WATER RESORUCES (VIG.I) DEPARTMENT

G.O.RT.No. 343

Dated: 26-09-2024

Read the following:-

- 1.From Deputy Superintend of Police, ACB, Eluru Range, West Godavari District, Radio Message,dt.24.03.2009.
- 2.G.O.Rt.No.445, I&CAD(Services-VI(1) dt.31.03.2009.
- 3.G.O.Rt.No.312, I&CAD(Ser,VI,I) DEPT.,Dt.20.03.2010.
- 4.From DG, ACB, Lr.Rc.No.65/RCT-EWG/2009-S13, Final Report, Dt.24.08.2009.
5. G.O.Ms.No.26,I&CAD(Ser,VI,I) DEPT.,Dt.20.03.2010.
6. G..O.Rt.No.311, I&CAD(Ser,VI,I) DEPT.,Dt.20.03.2010.
7. G.O.Rt.No.836, I&CAD(Ser.VI(1) Dept., dt.26.07.2012.
8. Orders of Special Judge for Trail of SPE& ACB cases, Rajamahendravaram, dt.28.10.2019 in CC No.46/2018.
9. From the DG,ACB Lr.Rc.No.065/RCT-EWG/2009, Dt.04.12.2019.
10. Govt.memo No. 6841/Vig.I/A2/2009-21, dt.24.03.2020.
11. From Sri M.Bullaiah, the then Deputy Executive Engineer,, and now Retd. Representation dt.10.12.2019.
12. Govt.,Memo No.6841/Vig.I/A2/2009-23,dt.25.03.2021.
13. Orders of Hon'ble High Court of Andhra Pradesh, dt.19.07.2024 in W.P.No.10570/2023.
14. From Sri M.Bullaiah, the then Executive Engineer, Rajahmundry, East Godavri Dist., and now Retd., Representation dt.14.08.2024.

ORDER:-

Whereas Sri M.Bullaiah, the then Deputy Executive Engineer, Special Minor Irrigation Division, Polavarm, East West Godavari Dist., and now Retd., was trapped by the ACB Authorities on 23.03.2009 when the Accused Officer demanded and accepted the bribe amount from Sri Vipparthi Rambabu,(Complainant) for processing and forwarding the FDR Bills for the works executed by the complainant. The Accused Officer was placed under suspension form the date of his detention i.e., 23.03.2009 vide G.O.2nd read above. Later the individual was reinstated into service vide G.O.3rd read above.

2. Government have accorded sanction of prosecute orders to the Accused Officer vide G.O. 5th read above and Departmental action was also initiated against him under Rule 9(7)& 3(1)&(2) of A.P. Civil Services(Conduct Rules) 1964 vide G.O.6th read above. After due procedures, in the G.O. 7th read above, penalty of withholding Two Annual Grade Increments without cumulative effect was imposed against the A.O. in the Departmental action.

3. The Director General, ACB while enclosing the copy of the judgement of Hon'ble Spl.Judge for SPE &ACB Cases in CC No.46/2018, dt.28.10.2019 has informed that Sri Medidi Bullaiah , DEE was found not guilty of the offense charged u/s 7 and 13(2) r/w 13 (1) (d) of P.C.Act,1988 and hence, the individual was acquitted u/s 248(1) of Cr.P.C.. The Bureau is of the opinion that there are grounds to prefer an appeal and it is a fit case to prefer an appeal against the judgement of trial court in his letter 9th read above.

(p.t.o)

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4. In the Memo 10th read above, the DG, ACB was permitted to file an appeal before the Hon'ble High Court against the Hon'ble Trial court orders and intimate the filling date and status of the case from time to time. Accordingly, the DG, ACB fled the appeal and appeal No. CRLASR 1445/2021 is pending before the Hon'ble High Court.

5. In the representation 11th read above, the Accused Officer has requested to regularize his suspension period i.e., from 23.03.2009 to 20.04.2010 as on duty, since he was acquitted by the ACB Court in criminal case on which he was suspended. In the Memo 12th read above, the suspension period of A.O. was regularized as "not on duty" under FR.54.B (5) and 7, since the punishment of Two Annual Grade increments without cumulative effect was imposed against the A.O.in the Departmental action.

6. Sri M.Bullaiah, the then Executive Engineer (FAC) Rajahmundry, East Godavari Dist. (now Retd) has fled the W.P.No.10570/2023 before the Hon'ble High Court to challenging the impunged Memo No.6841/Vig.I/A2/ 2009-23,Dt.25.03.2021 as illegal arbitrary and contrary to the Provision of F.R.54(B)(5).The Hon'ble High Court in its orders dated 19-7-2024 in W.P.No.10570/2023 to set aside the impunged Memo No.6841/Vig.I/A2/2009 -23, dt.25.03.2021 and directed the respondents to treat the suspension period of the A.O. from 23.03.2009 to 20.04.2010 as on duty with all consequential benefits including pay and allowance and pass appropriate orders within a period of Two(2) months from date of the receipt of a copy of the order vide reference 13th read above.

7. Sri M.Bullaiah, the then Executive Engineer (FAC), Rajahmundry, East Godavari Dist.(now Retd), while enclosing the Orders of Hon'ble High Court Orders dt. 19-7-024 in W.P.No.10570/2023 has requested to issue appropriate orders in the matter in his representation 14th read above.

8. Government after careful examination of the matter, keeping in view the Hon'ble High Court Orders dated 19.07.2024 in W.P.No.10570/2023, hereby order to regularise the suspension period of Sri M.Bullaiah, the then Executive Engineer(FAC), Rajahmundry, East Godavri Dist.,(now Retd) from 23.03.2009 to 20.04.2020 treated as "On Duty" under FR 54 (B) (3).

9. The Engineer-in-Chief(AW),Water Resources Department, Vijayawada shall take necessary action in the matter accordingly

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The individual through Engineer- in- Chief, Water Resources Department,
Vijayawada.

The Engineer- in- Chief, Water Resources Department, Vijayawada.
Sf/Sc.

//FORWARDED::BY::ORDER//

SECTION OFFICER